

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

KASHAN INVESTMENT INC.

*Plaintiff,*

v.

DEPOSITORS INSURANCE COMPANY

*Defendant.*

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Civil Action No. 5:22-cv-01174-OLG-RBF

**DEFENDANT’S MOTION FOR REFERRAL TO MEDIATION**

Defendant Depositors Insurance Company (“Depositors”) files this Motion for Referral to Mediation, respectfully showing the Court as follows:

1. The parties mediated this case via Zoom on August 3, 2023, with Robert Scheihing as the mediator. The case did not settle at mediation.
2. During the hearing on January 3, 2024, the parties reported to the Court that there have been some continuing settlement discussions since mediation, and there was discussion of a potential second mediation. Defendant’s counsel requested time for client conferral, and files this motion to advise the Court that the parties and their counsel have all agreed to a second mediation.
3. Counsel for Defendant asks the Court to allow the parties to mediate with a private mediator. Counsel for Plaintiff has confirmed the plaintiff is agreeable to a second mediation with a private mediator. Counsel for the parties have identified several mediators that are agreeable to both parties, all of whom conduct mediations by Zoom: Robert Scheihing, Sheryl O’Briant, Don Philbin, and Beth Krugler. The parties are working to identify any potential agreeable dates to schedule a Zoom mediation with any of these mediators or potentially other available mediators in the near future.

4. Thus, Defendant asks the Court to allow the parties time to schedule a mediation with a private mediator, while allowing the parties the parties to have flexibility in the final selection of the mediator given that a significant factor is the mediator's availability on dates that will fit the schedules of all those who would appear for the mediation.

Respectfully submitted,

/s/ Patrick M. Kemp

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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been served electronically via CM/ECF this the 16<sup>th</sup> day of January, 2024 to

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/s/ Patrick M. Kemp

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